

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TRACY L. HOLMES, and
CHARLENA M. HOLMES,

Plaintiffs,

V.

NEBRASKA STATE PATROLMEN
OFFICE, et al.,

Defendants.

8:10CV380

MEMORANDUM AND ORDER

This matter is before the court on its own motion. Plaintiff Charlena M. Holmes filed the above-captioned matter on October 6, 2010. (Filing No. 1.) However, due to certain technical defects, the Complaint cannot be further processed until such defects are corrected. To assure further consideration of the Complaint, Plaintiff must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Plaintiff Charlena M. Holmes has failed to include the \$350.00 filing fee. Plaintiff has the choice of either tendering the \$350.00 fee to the Clerk of the court or submitting a request to proceed in forma pauperis. If Plaintiff Charlena M. Holmes chooses to do the latter, the enclosed pauper's forms should be completed and returned to this court.

IT IS THEREFORE ORDERED that:

1. Plaintiff Charlena M. Holmes is directed to correct the above-listed technical defect in the Complaint on or before December 15, 2010.

2. Failure to comply with this Memorandum and Order will result in dismissal of this matter as to Plaintiff Charlena M. Holmes without further notice.

3. The Clerk of the court is directed to send to Plaintiff the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

DATED this 16th day of November, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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